

1
2 **ORDINANCE NO. 2012 - 04**
3

4 AN ORDINANCE OF THE VILLAGE COMMISSION
5 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,
6 RELATING TO CHAPTER 2 ENTITLED
7 ADMINISTRATION; BY UTILIZING THE RESERVED
8 SECTIONS 2-47 AND 2-48 TO DEVELOP DOMESTIC
9 PARTNERSHIPS REGULATIONS; PROVIDING FOR
10 EMPLOYEE BENEFITS; PROVIDING FOR
11 ORDINANCES IN CONFLICT, CODIFICATION,
12 SEVERABILITY AND AN EFFECTIVE DATE
13

14
15 WHEREAS, the Village Commission of the Village of Biscayne Park pursuant to Article
16 I, Section 1.04 of the charter has all available governmental, corporate and proprietary powers
17 and Home Rule Powers; and,
18

19 WHEREAS, the Village Commission creates policy and establishes laws; and, pursuant
20 to section 4.03 of the Charter, the Village Commission shall act by ordinance to adopt or amend
21 administrative regulation; and,
22

23 WHEREAS, the Village recognizes that individuals establish and maintain important
24 personal, emotional and economic domestic relationships with persons to whom they are not
25 married, but cohabitate in committed familial domestic partnerships; and,
26

27 WHEREAS, due in part to the lack of an established system for domestic relationships to
28 be registered or recognized, partners in domestic relationships may be denied public and private
29 sector employment benefits that are otherwise made available to other employees; and,
30

31 WHEREAS, the Village has a small, dedicated employee base; employment benefits
32 form an essential portion of the compensation provided to Village employees; and, the Village
33 desires to treat all employees equally, and fairly; and,
34

35 WHEREAS, the provision of domestic partner benefits promotes employee recruitment,
36 employee retention, and employee loyalty. Furthermore, the provision of such benefits promotes
37 fairness and serves to address the discriminatory effect of practices which deny such benefits
38 solely upon the basis of an employee's familial or marital status; and,
39

40 WHEREAS, the Village desires to recognize domestic partnerships, and seeks to provide
41 access to health insurance and benefits to the domestic partners of employees by incorporating
42 into the Village's administrative policies and personnel policies provisions to accomplish this
43 goal; and,
44

45 WHEREAS, the Village Commission desire to utilize reserved sections 2-47 and 2-48 of
46 Chapter 2 entitled "Administration", Article IV "Officers and Employees", of the Village's Code

1 of Ordinances to develop domestic partnership regulations and employee benefits relating to
2 same.

3
4 BE IT ENACTED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE
5 PARK, FLORIDA, AS FOLLOWS:
6

7 Section 1. The Commission hereby amends Chapter 2 entitled "Administration" by
8 amending Sections 2-47 and 2-48 entitled "Reserved" by providing for Domestic Partnership
9 regulations and Employment Benefits relating to same, as provided below:
10

11 CHAPTER 2 - ADMINISTRATION

12 Article IV

13 Section 2-47 relating to

14 RESERVED

15 DOMESTIC PARTNERSHIPS

16 And Section 2-48 relating to

17 EMPLOYMENT BENEFITS
18

19 Sec. 2-47 DOMESTIC PARTNERSHIPS
20

21 (a) Definitions.
22

23 Declaration of domestic partnership means a document, signed under penalty of perjury, that is
24 filed with the personnel director or human resources department according to the procedures
25 established in this section entitled "Domestic Partnerships."
26

27 Domestic partner means an adult who is a party to a valid domestic relationship and meets the
28 requisites for a valid domestic partnership relationship as established in this section entitled
29 "Domestic Partnership."
30

31 Employee shall mean active and retired employees of the Village that are eligible for benefits
32 pursuant to state or municipal law and pursuant to Village employment policies.
33

34 (b) Registration, termination and administration procedures.
35

36 (1) Registration.
37

38 (i) Declaration of domestic partnership. A declaration of domestic partnership
39 shall be filed with the personnel director or human resources department and shall
40 contain the names and addresses of the domestic partners who shall swear or affirm under
41 penalty of perjury that each partner:
42

43 A. Is at least 18 years old and competent to contract;

44 B. Is not related by blood;

45 C. Is the sole domestic partner of the other person;

46 D. Is not married, nor a partner to another domestic partnership or a
47 member of another civil union;

1 E. Resides in the same primary residence with his or her domestic partner,
2 and agrees to share the common necessities of life and to be responsible
3 for each other's welfare;

4 F. Considers himself or herself to be a member of the immediate family
5 of the other partner, and to be jointly responsible for maintaining and
6 supporting the registered domestic partnership;

7 G. Agrees to immediately notify the personnel director or human
8 resources department, in writing, of any change in the status of the
9 domestic partnership.

10
11 (2) Documentation. As further evidence of a domestic partnership, one of the following
12 documents must be presented to the human resources director along with the declaration of
13 domestic partnership:

14
15 A. A lease, deed, or mortgage indicating that both parties are jointly
16 responsible;

17 B. Drivers licenses for both partners showing the same address;

18 C. Passports for both partners showing the same address; or

19 D. Any other document that in the opinion of the personnel director or
20 human resources department conclusively demonstrates that the partners
21 are living together as a family.

22
23 (3) Any partner to a domestic partnership may file an amendment to the domestic
24 partnership certificate to reflect a change in his or her legal name or address or to add or delete
25 children.

26
27 (c) Termination.

28
29 (1) Termination statement. A domestic partner may terminate the domestic partnership
30 by filing a termination statement with the personnel director or human resources department.
31 The person filing the termination statement shall swear or affirm under penalty of perjury that:

32
33 A. The domestic partnership is to be terminated; and

34 B. If the termination statement is not signed by both domestic partners, a
35 copy of the termination statement shall be served, by certified or registered
36 mail, on the other domestic partner, and proof of service shall be filed with
37 the personnel director or human resources department.

38
39 (2) Effective date. The termination shall become effective 30 days from the date of
40 filing of the termination statement signed by both domestic partners or if the termination
41 statement is not signed by both parties, 30 days from the date of service pursuant to this
42 subsection.

1 (d) Administration.

2
3 (1) Forms. The personnel director or human resources department shall provide forms
4 for the establishment and termination of domestic partnerships.

5
6 (2) Certificate of domestic partnership. The human resources director shall issue a
7 certificate of domestic partnership no later than ten (10) business days after the declaration of
8 domestic partnership is filed.

9
10 (3) Maintain records. The personnel director or human resources department shall
11 maintain copies of declaration of domestic partnership, certificates and termination statements
12 described above.

13
14 (4) Fees. The fee for registering or terminating the declaration of domestic partnership
15 shall be \$25.00, which shall cover all costs of registration or termination. Employees of the
16 Village are exempted from payment of these Fees.

17
18 **Sec. 2-48. EMPLOYMENT BENEFITS.**

19
20 (a) Employees shall be granted bereavement leave with pay for the death of a domestic partner
21 or family member of a domestic partner as set forth in the Village's administrative policies and
22 the Village's administrative personnel policies shall be amended accordingly.

23
24 (b) Employees shall be granted sick leave, family medical leave, or leave without pay to care
25 for a domestic partner and the Village's policy relating to family medical leave shall be amended
26 accordingly.

27
28 (c) Any employee who is a party to a registered domestic partnership under this ordinance shall
29 be entitled to elect insurance coverage for his or her domestic partner or the children of such
30 domestic partner on the same basis in which any Village employee may elect insurance coverage
31 for his or her spouse or children. A Village employee's right to elect insurance coverage for his
32 or her domestic partner, or the partner's children, shall extend to all forms of insurance provided
33 by the Village to the spouses and children of Village employees, unless such coverage is
34 prohibited by state or federal law or the terms of a collective bargaining agreement. All elections
35 of coverage shall be made in accordance with the requirements of applicable law, policies and
36 applicable collective bargaining agreements.

37
38 (d) Compliance by the Village with these employment benefits provision shall occur as soon as
39 practicable, as the Village is currently a participant in insurance plans that may not offer benefits
40 to domestic partners. The Village, upon open enrollment, shall seek insurance providers that will
41 provide benefits coverage for domestic partners.

42
43 (e) Limiting Effect. Nothing in this article shall be interpreted to alter, affect, or contravene
44 state or federal law. Nothing in this article shall be construed as recognizing or treating a
45 domestic partnership as a marriage.

46
47 * * *

Section 2. The Village Manager is authorized and directed to take all actions necessary to implement the provisions of this ordinance within ninety (90) days after enacted.

Section 3. Repealer. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 4. Severability. If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the remaining portions of this Ordinance.

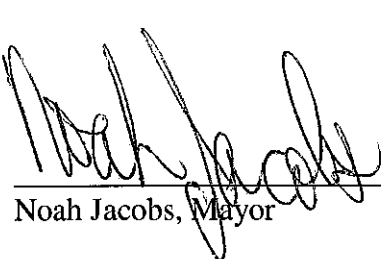
Section 5. Codification. It is the intention of Biscayne Park, Florida that the provisions of this Ordinance shall become and be made a part of the Village of Biscayne Park Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. This Ordinance shall become effective upon adoption.

The foregoing Ordinance was offered by Vice Mayor Ross who moved its adoption. The motion was seconded by Commissioner Anderson and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED upon first reading this 5th day of June, 2012.

PASSED AND ADOPTED upon second reading this 10th day of July, 2012.



Noah Jacobs, Mayor

The foregoing ordinance upon being put to a vote, the vote was as follows:

Mayor Jacobs: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Cooper: Yes
Commissioner Watts: Yes

1 Attest:
2
3

4 Maria C. Camara
5
6 Maria C. Camara, Village Clerk
7
8
9

10
11 Approved as to form:
12
13

14 [Signature]
15
16 Village Attorney
17
18